

08/163581

DOCKET NUMBER 3889-05	ANTICIPATED CLASSIFICATION OF THIS APPLICATION: CLASS SUBCLASS	PRIOR APPLICATION: EXAMINER L. Schenkman	ART UNIT 1205
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Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

This is a Request for filing a ☐ continuation-in-part ☒ continuation ☐ divisional application under 37 CFR 1.62 of prior application Serial No. 07/896,725, filed on 6-9-92 entitled METHOD FOR TREATING ASTHMA USING OPTICALLY PURE (R)-ALBUTEROL by the following named inventor(s).

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Barberich	Timothy	J.	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
Concord	Massachusetts	United States	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
73 Nashoba Road	Concord	MA 01742/U.S.A.	
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Young	James	William	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
Palo Alto	California	United States	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
765 Talisman Court	Palo Alto	CA 94303/U.S.A.	
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

The above identified prior application in which no payment in the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

- ☐ Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.
- ☐ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

Claims	(1) For	(2) Number filed	(3) Number extra	(4) Rate	(5) Calculations
Total Claims		11 - 20 =	- 0 -	X \$22.00	\$ - 0 -
Independent Claims		3 - 3 =	- 0 -	X \$74.00	- 0 -
Multiple Dependent Claim(s) (if applicable)				+\$ 230.00	- 0 -
Basic Fee					+ \$ 710.00
Total of above Calculations =					710.00
Reduction by 1/2 for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28) if applicable, affidavit must be filed also.					- 355.00
Total National Fee					\$ 355.00

3. ☒ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 08-1935.

4. ☒ A check in the amount of \$ 355.00 is enclosed.

5. ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

6. ☒ Amend the specification by inserting before the first line the sentence:

G 1/14/94
This application is a ☐ continuation-in-part, ☒ ^{now abandoned} continuation, ☐ division, of application Serial No. 07/896,725, filed 6/9/92 ^{which} ~~is~~ still in effect.

7. ☐ A verified statement claiming small entity status is ~~enclosed~~ ^{not necessary even if statement was filed in the prior application}.

8. ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

9. ☒ The prior application is assigned of record to Sepracor, Inc.

10. ☐ The power of attorney in the prior application is to: Hamilton, Brook, Smith and Reynolds, P.C.;
Associate Power of Attorney to Philip E. Hansen filed July 14, 1993

11. ☒ Also enclosed Express Mail Certificate

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

Philip E. Hansen, Heslin & Rothenberg, P.C.

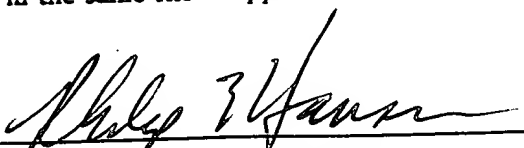
450 New Karner Road, P.O. Box 12695

Albany, New York 12205

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

December 7, 1993

Date


Signature
Philip E. Hansen, Reg. No. 32,700

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under §1.34(a)



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Application of: Barberich et al.

METHOD FOR TREATING ASTHMA USING OPTICALLY PURE
(R) -ALBUTEROL

Attorney Docket No.: 0701.027B

"EXPRESS MAIL" MAILING LABEL NO. TB321785882US

Date of Deposit December 7, 1993

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to Commissioner of Patents and Trademarks, Box FWC, Washington, D.C. 20231.

Rita F. Palumbo

(Typed or printed name of person mailing paper or fee)

Rita F. Palumbo

(Signature of person mailing paper or fee)

F.O.T. 125